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ABSTRACT

This document reports the National Education Association (NEA) investigation of the student protests at Southern University, Baton Rouge in 1971. Sections I and II indicate the chronology of the conflict and the initiation, procedures, and scope of the NEA hearings and follow-up interviews on the University campus. In section V the NEA investigatory panel presents its findings and conclusions regarding the problems that prompted some university students to defy administrative authority; that persuaded some faculty members to support the student's demands; and that resulted in student expulsions and summary dismissal of faculty members. (Author/MJM)

ED 083928

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REPORT OF AN INVESTIGATION

*A Study of Student Protest--Suggestions
for University Response*

SOUTHERN UNIVERSITY
BATON ROUGE, LOUISIANA

U.S. DEPARTMENT OF HEALTH,
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NATIONAL EDUCATION ASSOCIATION

September 1973

HE 004798

**NEA HEARING PANEL
for
SOUTHERN UNIVERSITY INVESTIGATION**

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NATIONAL EDUCATION ASSOCIATION

September 1973

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I. INTRODUCTION

In its decision to authorize this investigation, the National Education Association (NEA) was acting in response to the requests of its Louisiana affiliates, the Louisiana Education Association (LEA) and the Student LEA/NEA of Southern University. The six-member panel appointed to conduct the investigation was instructed by the NEA president to seek the causes of campus unrest and examine alleged violations of the rights of Southern University students and teachers.*

In carrying out its assignment, the NEA panel focused its attention on the following questions:

- What system exists at Southern University for the hearing and equitable resolution of the grievances of both students and teachers?
- What system is provided to enable both students and teachers to have an effective voice in the policy decisions that shape University life?
- What changes, if any, are needed in the system of University governance and administration to provide an educational experience that is at once rigorous in its academic requirements and relevant to the lives and aspirations of Southern University students?

The NEA panel has made no attempt to investigate or to assign blame for the violence that ended in the killing of two Southern University students on November 16, 1972. The panel, of course, has neither the authority nor the inclination to encroach in any way upon the jurisdiction of official criminal investigation and

*This report is confined to a study of conditions at the Baton Rouge campus of Southern University. Although the New Orleans campus experienced a similar, and closely related, student protest movement during the fall of 1972, NEA assistance was not requested on that campus. The panel, therefore, did not conduct any inquiries at S.U.N.O. and makes no attempt even to draw analogies between the situations at the two campuses.

adjudicative bodies. The tragic incident of November 16 did, however, precipitate the state affiliates' request for NEA assistance. Therefore, in order that the central issues of this report may be discussed within their situational context, the following section of the report contains a brief chronology of the 1972 student protest movement at the Baton Rouge campus of Southern University and its violent climax. Section IV reviews the procedures and scope of the initial NEA hearings in Baton Rouge and the follow-up interviews on the University campus.

In Section V, the panel presents its findings and conclusions regarding the long-unresolved problems that prompted some Southern University students to defy administrative authority; that persuaded some faculty members to support the students' demands, either tacitly or openly; and that resulted, finally, in student expulsions and summary dismissal of faculty members.

In Section III, immediately following the chronology, the panel summarizes its findings and conclusions and presents recommendations regarding student organization and University governance and administration. These, if implemented, might assist all members of the academic community in their efforts to interact effectively with one another and to achieve a harmony of interest in working toward their common goal of educational excellence.

As the president of the NEA stated with respect to the initial NEA hearings, the intent of this report is neither to accuse nor to further polarize any of the parties involved in the recent conflict at Southern University; it is, rather, to examine the underlying causes of conflict in order to offer constructive proposals that could lead to their correction.

II. CHRONOLOGY OF CONFLICT

The fatal shooting of two students—Denver Smith and Leonard Brown—on the morning of November 16, 1972, marked the tragic end to four weeks of deepening student dissent on the Baton Rouge campus of Southern University. It was during that morning's clash between students and law enforcement personnel that reason gave way to rage and law and order was overcome by its own capability for violence.

Students United Organize

The four weeks of student protest, which had begun with peaceful assemblies, marches, and negotiations with University and state officials, and which had deteriorated into the final violent confrontation, was led by a loosely organized coalition of student groups called Students United. The initial outbreak of student concern occurred in the University's Psychology Department. Student leaders within the Department were convinced that they were being penalized for their social activism when the administration refused to provide the Psychology Club with office space; and they were convinced that the resignation of the Psychology Department chairman, whom they greatly admired, was caused by the administration's insensitivity to the needs of students and to the need for basic policy and program change within the University.

Student Grievances Presented

With these issues to spark dissent, the organized student protest movement quickly developed; the scope of student concern quickly broadened to encompass almost every aspect of University life. During the early stages of the movement, the various groups within the Students United compiled a comprehensive list of grievances and demands for change. These grievances were first presented to the University administration on October 23, 1972, with an opening statement that contained the following declaration:

"We, as 'Students United,' find it necessary to exercise our duly possessed rights as Black men and women to abolish all conditions that threaten our existence. For too long we have been victims of constant neglect and administration censorship; for too long we have been denied a voice in the selection of those people that administer the functions of this University; for too long the administration has moved to discourage and/or remove those faculty and administrative personnel who have displayed a commitment to the resolution of problems of students in particular and Black people in general; for too long we have been represented by administrators that are only concerned about their self-perpetuation."

The list of grievances expressed the following concerns, here summarized:

Administrative actions that have "encouraged the resignation or actually removed" competent teachers who have been successful in relating to students.

Lack of proper equipment and facilities various departments need for their complete functioning. (The students documented this charge with specific descriptions of inadequacies in the supplies, equipment, furnishings, instructional materials, and physical plants of most University departments.)

Need for curriculum changes to achieve a black perspective.

Substandard housing. (The students cited specific deficiencies in basic furnishings and physical plant, sanitation, fire protection, pest control, and janitorial services.)

Lack of proper medical facilities

Personnel changes needed to provide instructional personnel and administrators who would be more competent and more skilled in relating to students than some of those currently employed—"elimination of racist teachers."

The need for a "just system of administration."

To achieve a "just system of administration," Students United proposed:

- A system of department councils consisting of the department chairmen, department faculty members selected by the chairmen, and students elected by the student body of each department, with a student-faculty ratio of 2:1 in each council. (The students later modified this demand to provide for equal representation of students and faculty.) The purpose of the department councils would be to coordinate the activities of each department, including the hiring and firing of the chairman and all other faculty members within the department.
- An executive council, composed of the University president, his executive staff, and students, each college to be represented in the executive council by two students from that college. The purpose of this council would be to function as a board of directors for the University; their authority would be superseded only by the Louisiana State Board of Education.

The University's response to these demands was presented at a convocation of the student body on October 24. There was at least partial concession to many of the demands; however, modifications made by the University in the proposals for department and executive councils prompted the student activists to reject the University response and to march to the offices of the State Board of Education and the governor, where they demanded the resignation of Southern University President G. Leon Netterville and

Vice-President E. C. Harrison. The state officials refused this latter demand. As a result of the student march, sheriff's deputies were placed on standby; on the day following the march, students met in the University gymnasium to organize a boycott of classes, which was to have wide student support.

Conflict Escalates

Following an "unauthorized" student assembly on October 31, sheriff's deputies were called on campus with National Guardsmen, and President Netterville announced that disruption of classes required the closing of the University for an indefinite period of time.

The University reopened on November 6, but the boycott continued. The next 10 days brought continuing escalation of hostilities, interspersed with abortive efforts toward negotiation and mediation. There occurred various explosions and a fire of undetermined origin, which destroyed the Horticulture Barn. Sheriff's deputies were called to the campus by University officials and set up a command post in the men's gymnasium.

On November 7, the governor appointed a 23-member "blue-ribbon" committee to investigate the student grievances at both the Baton Rouge and New Orleans campuses of Southern University. The following day, November 8, warrants for the arrest of eight students were issued on the complaint of University officials; two of these student leaders were arrested. During the next two days, the Blue-Ribbon Committee held meetings, first with Students United leaders and then with President Netterville. During the latter meeting, President Netterville promised to advise the eight students by letter that amnesty was being offered in exchange for a moratorium on further disruptions. But the amnesty letters were never sent: students disrupted a football game, and the amnesty was withheld by President Netterville. Disruption and boycotting of classes continued.

On November 15, sheriff's deputies were once again put on alert at the request of University officials; and the outstanding warrants for the arrest of student leaders were reactivated. The governor, in a meeting with the State Board of Education, announced that he was suspending the Blue-Ribbon Committee.

Student Leaders Arrested

At approximately 4 a.m. on Thursday, November 16, personnel from the office of the sheriff of East Baton Rouge Parish entered student residences to arrest four Southern University students, charging them with "obstruction or interference of educational institutions." The warrants for these arrests had been among those issued on November 8.

Confrontation

By all accounts, the predawn arrests of the four student leaders served to precipitate the final and tragic confrontation between students and law enforcement personnel. It was to demand the immediate release of the arrested students that other Students United leaders went to the president's office early on the morning of November 16. It was in protest against the arrests that angry student assemblages gathered in front of the administration building and that additional groups of students crowded into the president's offices. The president departed the campus at approximately 9:30 a.m. to attend a State Board of Education meeting in Baton Rouge. He left a number of students in his offices and several hundred congregated in front of the Administration Building. At 10:30 a.m., sheriff's deputies and state policemen came onto the campus, and the students were ordered several times to disperse. When some students did not disperse, tear gas was used, and the fatal shooting ensued.

On the day following the student deaths, two Southern University faculty members—Dr. Joseph Johnson, chairman of the Physics Department, and George Baker, an assistant engineering professor—were summarily dismissed by President Netterville for allegedly "encouraging students to not attend . . . classes" and for having been "instrumental in encouraging the disruption of the normal academic process of the University." The two professors, with support of the NEA DuShane Defense Fund for Teacher Rights, subsequently filed suit in federal district court in Baton Rouge, challenging the summary dismissals on the grounds that the failure of the University to accord pretermination notice and hearing violated the professors' constitutional rights to due process of law.

III. THE NEA INVESTIGATION: ITS INITIATION, PROCEDURES, AND SCOPE

On the day following the deaths of the two Southern University students (November 17, 1972) Mrs. Catharine Barrett, then president of the National Education Association (NEA), and Thomas Creighton, then president of Student NEA (SNEA), telegraphed an offer of assistance to the governor of Louisiana, Edwin W. Edwards, and to President Netterville of Southern University. The text of the telegram was as follows:

"The *crisis* at Southern University has implications of sweeping proportions for the national educational community.

"In order that all students and educators may be forewarned of the danger signals, the facts leading to your tragedy must be investigated and brought to their attention.

"The National Education Association and the Student National Education Association, the majority representatives of teachers and students in the United States, suggest that the most serious problems underlying the tragedy are beyond law enforcement and the judicial system. They are problems that only the educational community can deal with.

"Before educators and students are further divided, we offer to provide a professional team of both students and educators to begin an immediate investigation into the causes of unrest and crisis at Southern University. Our affiliates on the campus and in your state are already involved.

"We propose a national, non-governmental investigation leading to a full hearing in which all voices will be heard. The results of such a hearing could be of inestimable value to the educational community throughout the United States.

"We urge your cooperation and immediate response to our proposal."

There was no response from Governor Edwards or President Netterville.

Requests for NEA Assistance

On November 27, 1972, Cornelius Betz, the president of the Student Louisiana Education Association (LEA)/NEA of Southern University and Louisiana, addressed a letter to the NEA president requesting that an NEA investigating team be sent to Baton Rouge to "identify the underlying factors" leading to the student deaths

and to "check the legitimacy of the grievances presented by the students to the [Southern University] administration." In a position paper dated December 12, 1972, the NEA Executive Committee also requested NEA investigative assistance in examining, and recommending solutions to, the basic problems that gave rise to the Southern University student protest movement and its tragic culmination.

Investigations Within the State

Upon receipt of the LEA and Student LEA/NEA investigation requests—and in the absence of any response from Governor Edwards or President Netterville—NEA officials decided to postpone making any investigative effort pending conclusion of two investigations then being conducted within the state, by a biracial commission of inquiry appointed by the Louisiana attorney general and by the Black People's Committee of Inquiry, convened by student leaders, their lawyers, and members of the black community.

The Attorney General's Commission of Inquiry, consisting of law enforcement officials, university administrators, students, elected officials, and private citizens, was established at the request of the governor. The Black People's Committee of Inquiry was composed of various local and nationally prominent figures, including Julian Bond, Georgia state representative; Lerone Bennett, historian; the president of Malcolm X Liberation University, Greensboro, North Carolina; the director of the National Conference of Black Lawyers; and a city councilman of Berkeley, California, a Southern University graduate, who had once been suspended from that institution himself. One reason for the formation of this group was the fear expressed by students and members of the black community that the attorney general's investigation would "whitewash" the shootings. This fear turned out to be unfounded. The two investigations yielded essentially the same conclusion: that the students were mortally wounded by ammunition fired by law enforcement personnel. The Attorney General's Commission, more specifically, concluded that the students' deaths were caused by a single shotgun blast coming from the direction of six deputy sheriffs. Evidence supporting this finding was turned over to the East Baton Rouge district attorney's office for further investigation of possible criminal liability. As this report is being written the Grand Jury's investigation of the killings is in process.

Initiation of NEA Hearings

When it became known that the Attorney General's Commission and the Black People's Committee of Inquiry had completed their investigative work and reported their findings, NEA, in response to the requests of its Louisiana affiliates, carried out a plan to appoint a hearing panel to conduct open hearings into the reported violations of student and teacher rights at Southern University. The panel, as finally established,* consisted of the following persons:

H. Jesse Arnelle, chairman	Member, Board of Trustees The Pennsylvania State University
Mary Burger	Ford Foundation Fellow in Ethnic Studies Washington University St. Louis, Missouri
Thomas D. Creighton	President Student National Education Association
Kurt G ripen straw**	Vice-president Student National Education Association
Elaine W. Marks	NEA director for South Carolina
Robert Threatt	Professor of education Fort Valley (Georgia) State College

NEA staff assistance was provided by:

Samuel B. Ethridge Headquarters coordinator	Director of Teacher Rights
James H. Williams Field coordinator	Southeast regional manager
Dorothy C. Massie Hearing officer & writer	Teacher Rights staff member
Joel D. Gewirtz Legal counsel	Staff counsel, Office of General Counsel

*Three individuals originally appointed to the hearing panel were unable to serve; two of these were replaced by other appointees, and the size of the panel was reduced from seven to six members.

**Mr. G ripen straw participated in the initial hearings, but did not take part in final report development.

The NEA open hearings were conducted in Baton Rouge, Louisiana, on March 15 and 16, 1973. The decision to initiate the investigation on an open hearing basis grew out of the conviction that the problems of governance and administration of Southern University, as these problems may have contributed to the tragedy of November 16, are matters of legitimate and pressing public concern. The hearings were designed to provide an open forum for discussion of the relevant issues by all concerned parties. Therefore, unless a witness requested a private meeting with the panel, all interviews were conducted in open session. Only two such requests were made by individuals who appeared before the panel in its hearing room. In addition, at their request, the panel met with the Southern University president and members of his staff in a closed session at the University. Similarly, a private interview was held at the state office building with three staff members of the Louisiana Division of Human Services.

Open Hearing Witnesses

During the two days of open hearings and private interviews, the NEA panel interviewed 38 persons, including the following:

President, executive secretary, and associate executive secretary of the LEA

President of the Student LEA/NEA of Southern University and Louisiana

Leaders of Students United movement, including students who had been expelled from the University

Five members of governor's Blue-Ribbon Committee To Investigate Student Grievances at Southern University (Committee appointed and disbanded in November 1972)

One former Southern University student and several students still in attendance at the University

Two former Southern University faculty members (dismissed November 17, 1972)

Professor of education, Southern University

Former graduate student, Southern University

Director and staff members, Louisiana Division of Human Services

Most of the individuals who met with the NEA panel did so in response to letter invitations mailed by NEA staff in February 1973. Similar invitations, explaining the purposes and procedures of the hearings, were sent to additional Southern University students and faculty members, and to the governor; the state superintendent; the chairman and members of the State Board of Education; and the commissioner of the State Division of Finance, none of whom made themselves available for interviews. The panel made repeated efforts, including a personal visit to the state superintendent's office, to contact the state superintendent and State Board of Education chairman; but these individuals were either out of town or involved in other meetings and did not respond. NEA staff members did meet with the governor's executive secretary and, with his assistance, arranged the meeting with the director and staff members of the State Division of Human Services, who had been involved in negotiations with the dissenting students at the peak of the campus unrest during the fall of 1972.

Limitations of the Open Hearings

Although the NEA hearings were open, and it was publicly announced that the panel was available to meet with unscheduled, drop-in witnesses, few such witnesses appeared.

Two particular events may have discouraged broader student and faculty involvement in the hearing procedures:

- On Saturday, March 11, the Southern University Senate* issued a public statement questioning the educational legitimacy and the timeliness and appropriateness of the NEA hearings and recommending to its constituency "that serious consideration be given to the possible impact of this enquiry before a decision for involvement is made."
- On the first day of the hearings, several individuals appearing before the panel (three students who had been suspended and later barred from the University campus by court injunction, one dismissed faculty member, and the LEA executive secretary) and two NEA staff assistants to the panel (the hearing officer and legal counsel) were served with subpoenas to appear "instantly" before the Grand Jury of East Baton Rouge Parish, which was then proceeding with its investigation of the evidence of criminal action on the day of the fatal shooting of the two University students.

*The policy-making body within the University, composed of faculty and administrative representatives.

It is possible that these two maneuvers had the effect of deterring additional witnesses from meeting with the NEA panel. But whatever the reason, the failure of the initial hearings to produce a broader cross section of student and faculty opinion persuaded the panelists that further fact-finding would be necessary before they could reach valid conclusions concerning many of the issues that had been raised during the two days of testimony.

In accordance with the directions of the panel, arrangements were made for a subcommittee, composed of three of its six members, to return to Baton Rouge to conduct additional on-site inquiries. The experience of the initial hearings—with its disruptions by subpoena and the reported reluctance of University students and faculty to meet with the panel in open sessions—prompted the decision to conduct all interviews during this second investigative phase on a closed, sequential basis.

Subcommittee Revisit

On May 10 and 11, 1973, interviews were conducted on the Baton Rouge campus of Southern University by a subcommittee of the NEA panel, composed of the chairman, H. Jesse Arnette, Thomas Creighton, and Robert Threatt, and assisted by Dorothy C. Massie and Earl Jones of the NEA Teacher Rights staff. Individual and group meetings were held with approximately fifty people, including President Netterville, the academic deans, department councils from the various colleges, and students and faculty members on a drop-in basis.

In the remaining sections of this report, the NEA panel presents its findings and submits recommendations that it hopes will be of assistance in the resolution of some of the problems that gave rise to the tragic events at Southern University's Baton Rouge Campus in the fall of 1972.

IV. CENTRAL ISSUES OF CONFLICT

Southern University, the largest and one of the oldest black universities in the nation, has a 12,000-member student body located on three campuses (Baton Rouge, New Orleans, and Shreveport). The enrollment on the Baton Rouge campus is approximate-

ly 9,000. Chartered by the Louisiana General Assembly in 1880 as an institution "for the education of persons of color," Southern University was located in New Orleans during its early years of operation. In 1914, the University was moved to its present main campus location, the Scotlandville suburb of Baton Rouge. Since that time, Southern has had only three presidents: J. S. Clark, from 1914 to 1938; his son, Felton J. Clark, from 1938 to 1968; and G. Leon Netterville, the current president, a 1928 Southern University graduate who, before his promotion, had served as vice-president for business affairs.*

In a written analysis of the 1972 student protest movement, Dr. Abdul McWhorter points out that Southern University is the "largest organization in the black community of Louisiana," involving "more people . . . more influence and more power than any other business, church, or school, or organization."¹**

The Clarks' long tenure and their father-to-son succession to the presidency gave a dynasty-like identity to their administration of Southern. But although they and their successor have been charged with running the University like a feudal estate,² the power of the Southern University president is limited in a way sharply distinguishable from that of a white president over a predominantly white university. Governing authority over Southern is vested in the State Board of Education, whose 11 members—all white and all male—are elected from congressional and public service districts. Only one public higher education institution in Louisiana—the predominantly white Louisiana State University—has its own governing board. Although blacks comprise approximately one-third of the state's population, no black has ever been elected, nor stood for election, to the State Board of Education. Moreover, in

*Each of the three campuses is under the direct administration of a vice-president who, in turn, is responsible to the president of the Southern University System.

**Several persons who met with the NEA panel, including Dr. Netterville and some members of his staff, expressed the view that the 1972 student protest movement was influenced, if not instigated, by outside political forces. They pointed out, as Dr. McWhorter does, that Southern University is the "largest organization in the black community of Louisiana." As such, they said, the University is the major black political power base in the state; and the presidency of that institution is a choice position for any aspiring black politician. It was their opinion that the student protest movement had been encouraged by individuals who sought to unseat Dr. Netterville in order to take his place.

The NEA panel neither accepts nor rejects this assumption. It is the panel's view that there would have been no major student protest—regardless of outside influences—if there had been no legitimate student grievances. It was on the conditions giving rise to these grievances, therefore, and not on the possibility of outside intervention, that the NEA panel focused its investigation.

the Louisiana legislature, the appropriating body for all public education in the state, there are only eight blacks out of a total of 144 members. Many of the white members are graduates of Louisiana State University.

Dr. McWhorter, referring to the younger Clark, spoke of the difficulty of the President's position under the governance of an all-white board:

"[Felton Clark] was a scholarly man who was more learned than the situation frequently allowed him to be. The Black College President had to humiliate himself in front of a less qualified racist board of whites in order to get funds and accreditation for the college. But his scholarship helped keep the University tied to the national and international academic community."³

Under the governing arrangements that still obtain at Southern University, the seeds of student protest are readily apparent.

A History of Protest

"The black student, with considerable justification, says to the Afro-American college, 'Don't tell me what you did for my old man. Like what are you gonna do for me?' This is the eternal question which education must answer for each new generation; unfortunately, some aging Afro-American institutions would not have heard the question if students were not shouting it into their deafened ears.

"The newly attentive institutions may be forgiven if they seem bewildered."⁴

In their discussions with the NEA hearing panel, Southern University administrators did indeed show a sense of not having fully perceived during the fall of 1972 the strength and persistence of the 1972 student protest movement. Organized and forceful student dissent, however, is by no means new to the University. During more than a decade of intermittent campus unrest, Southern University officials (or higher authorities dictating to those officials) have employed, as they did in 1972, various punitive measures—including the use of police power, student suspensions and expulsions, and campus shutdowns—in the effort to deal with student dissent.

During the 1960's, the direction of student protest at Southern, as in other black universities of the South, gradually shifted. The historic student sit-ins of the early 60's—an integral and dynamic part of the black civil rights struggle—were directed toward the goal

of desegregation and equality within the larger society. (It was Southern University student power, through massive and persistent downtown demonstrations, that played a key part in desegregating public facilities in Baton Rouge.) Later in the decade, student dissenters began to direct their attention to the achievement of "rights"—including the rights, within their own institutions, to adequately financed education concerned with the needs, culture, and ideology of black people. This was the thrust of the 1972 student protest movement at Southern University.

Underlying Issues: Constraints of Governance and Finance

The increasingly introspective nature of the students' struggle may have given the impression to nonblack observers that the more recent turbulence on the Southern University campus was entirely internal, and entirely intraracial. In a public statement the day after the students were killed in November 1972, the governor of Louisiana expressed hope that the tragic incident at Southern would not be interpreted by the public as "any kind of a race confrontation." He commented:

"There aren't any white people involved against black people. It's a situation which involves a black administration and a black university, and involves black students."⁵

Even the most superficial examination reveals the governor's statement to be a vast oversimplification: Although the Southern University president, together with his administrative staff, appeared as the most immediate target of the student protest, much of the substance of that protest involved matters over which the University administration itself has never had control.

"For these institutions [black universities], like all institutions, are creatures of the larger white society. They are dependent on that society for sanction and support. It is very clear that until recently any black college president or faculty which wanted to strive for excellence was told in a variety of ways more effective than words that the white way was the right way."⁶

And the white way, historically, was to operate black educational institutions, at all levels, on an irreducible minimum of tax support. The white way, historically, was to set rigid limitations on the career choices available to blacks once they graduated from college—limitations that in the past "drove thousands of black

liberal arts majors into post office and small insurance collecting jobs.”⁷ The white way, through financial and policy controls, was to impose on the black college student a sterile, conformist educational experience—to educate him for “good citizenship” in a society that, in reality, excluded him from full citizenship.

Under the pressure of vast social change over the past decade—much of it initiated by students themselves—there has undoubtedly been some liberalization of white control over black institutions, but that control is still pervasive. One Southern University student in particular expressed to the NEA hearing panel the frustration that many black students may feel in the knowledge that ultimate control over the educational experience available to them is entirely in white hands:

“The only thing we are asking for . . . is the power to shape our own destinies. We have an all-white State Board of Education who is not in tune with the problems of Southern University. Dr. Netterville has no real power to rectify problems. We can’t even name a building on our own campus without going to the State Board of Education . . . That is what our whole problem is. The whole student demonstration could be directed to that one grievance—that we do not have any power or say so as to what goes on at Southern.”

If, indeed, the students’ grievances had been directed solely to the issue of all-white control, they would have had ample reason to grieve.

Had the students’ grievances been directed solely to the disparity between the financial resources available to Southern and to Louisiana State University (LSU), they would also have had ample reason to grieve. In March 1973, Richard E. D’Aquin, a member of the State Board of Education, cited 1972-73 operating costs for each of Louisiana’s colleges and universities. These data showed a per student expenditure at LSU of \$2,325; the expenditure at Southern was \$1,327 per student. LSU, enrolling 39,542 students, had a total current operating budget of \$91.9 million. The 10 other colleges and universities within the state, with enrollments totaling 73,560, had combined operating budgets amounting to \$89.4 million. “There is no sensible reason,” the State Board member declared, “why LSU should be given 50.68 percent of the revenues for educating only 34.96 percent of the student population in Louisiana.” According to a March 1973 press report of these charges:

"D'Aquin discounted LSU's medical and law schools as its claim for needing an overloaded budget. He contended that this should not cause such a great difference in cost per student."

"While it is true that it costs more to maintain medical and law schools,' D'Aquin said, 'it must be realized that other schools also specialize in some disciplines that require more money to maintain.'"⁸

Mr. D'Aquin might have added that Southern University also has a law school and that, moreover, Southern, like Grambling College, enrolls a high proportion of economically and educationally disadvantaged youth, thus requiring a higher level of funding in order to provide adequate compensatory educational programs.

In his testimony before the NEA hearing panel, J. K. Haynes, the LEA executive secretary, called attention to the historically inadequate level of financial support provided Southern University and to the implications this has for current student needs and attitudes:

"Historically, Southern University has been considered as the counterpart of Louisiana State University, serving blacks across the state. Nevertheless, the state gave Dr. J. S. Clark \$10,000 in 1914 to develop a university for blacks and this philosophy of funding the institution obtained until a few years ago. One high state official admitted a few days ago that the practice prevailed in the legislature to give them [Southern University officials] just enough to get rid of them so that the legislators could go on with the business of the session.

"The point of reference here is that there is a long backlog of deprivation that requires extra financial support for some years in order to catch up in terms of facilities and other vital needs . . . the disproportionate level of funding must come to an end if unrest and disruptions are to be discouraged or discontinued. The youth of today will no longer tolerate gross discrimination in any form."

In the view of the NEA panel, the significance of these two conditions—all-white control and inadequate financial support (the latter, in part, stemming from the former)—cannot be overemphasized in any assessment of the causes of student unrest at Southern University. These conditions reflect the tradition and the continued reality of institutional racism. They are certainly not unique to Southern University or Louisiana, or to the South; but they do distinguish the Southern University student protest movement from the protests of white students at predominantly white universities. For when Southern University students complained about their exclusion from the policy determinations that shape

university life, they were speaking to administrators who are themselves excluded from full and effective participation in those determinations at the highest levels. They were speaking to a generation of Southern black educators whose entire life experience has taught them that subtle diplomacy, accommodation, and at least outward deference to a white power structure are the key components, not only of the advancement of black education, but of its very survival.

Thus, the conflict at Southern University pitted student against administrator (and black against black) only in an immediate sense; it was a conflict that played itself out always within the constraints of white control, of white political and economic domination. It was with an awareness of these historic and persisting realities that the NEA panel sought answers to the questions cited at the beginning of this report.

1. What system exists at Southern University for the hearing and equitable resolution of the grievances of both students and teachers?

Student grievances. The methods used by Students United leaders during the 1972 demonstrations provoked sharp criticism from some of the faculty members and most of the administrators who met with the NEA hearing panel. There was near-unanimous agreement, however, that the students' demands were, in large measure, based on legitimate grievances. Only one of the demands—that which called for the resignation of the president and vice-president—was rejected totally by the University. To the students' requests for departmental and executive councils, the University offered a compromise proposal (pp. 38-41). In response to the grievances on instructional equipment, facilities, supplies, and physical plant; student housing; health and food services; and student personnel services, the University agreed to effect improvements as funds became available and/or to negotiate with student representatives regarding the steps needed to resolve grievances in these various areas.

The leaders of Students United expressed the conviction, however, that the University's concessions to their demands were nothing more than token gestures, offering little promise of substantive improvement in educational conditions or administrative attitudes. Both student leaders and members of the administration

and faculty recalled an all-night negotiating session during which agreement was reached concerning all of the students' demands (except the demand for resignation of the president and vice-president). Administrative and faculty participants in the negotiations told the NEA panel that when the official University response, incorporating these same agreements, was presented at a student assembly, the leaders of Students United rejected the document out-of-hand. One administrator said:

"They did not want to discuss the response; they did not want to negotiate. The students were not interested in a solution. The grievances were a mechanism to achieve other ends. When significant numbers of the student body realized what was going on, they attempted to go to classes. The hard-core leaders then began to lose ground and they resorted to harassment."

But the student leaders gave a quite different account. They stated that the final University response to their grievances did not accurately reflect the agreements that had been reached, but that it contained modifications—due, in their opinion, to State Board intervention—which destroyed all substance to the central points of agreement.* Consistently the statements of students and administrative personnel were characterized by such contradictions as this.

Students told the panel that the grievances they presented to the University in 1972 involved essentially the same concerns that had prompted campus demonstrations in earlier years. In order to have any grievances corrected, one student said, "You have to have a riot. Then once you have a riot, they [administrators] will call a little meeting . . . Then, about a year later, they will begin to think about dealing with those grievances."

Administrative spokesmen, on the other hand, contended that the University does provide a variety of channels for the hearing and resolution of grievances. In its official response to the NEA inquiry, the University Senate described an extensive system of student-faculty/administrative structures for the communication of student requests and resolution of their grievances. Excerpts from the University's response are quoted below:

*Aside from the requested resignations, the central issue of the student protest movement involved the establishment of departmental and executive councils to enable students, as well as faculty members, to participate effectively in University decision making. The University's decision to grant these councils only advisory status, and the student leaders' response to this decision, are discussed on pp. 38-41.

1. *University Grievance Committee.* Shortly after the current administration took office, a University Grievance Committee was appointed, composed of students, faculty members and administrators, to deal with student grievances, most of which were related to student life. This committee was changed in 1971 to the Council on Student Life. Also, in the year 1971, the Administrative Council appointed a subcommittee to inquire into special student concerns related to University governance.

2. *The Student Government Association* and allied organizations provide constant input on matters related to student needs and general directions in which, from the point of view of students, the University seems to be going... the Association of Women Students and the Men's Federation each have councils which extend to the grass roots level among their constituents and provide feedback in the form of student opinion to the central office.

3. *The Student Aid Committee.* One of the major aspects of academic opportunity in an institution such as Southern, where the majority of the students can qualify as economically disadvantaged, is the condition under which financial aid can be obtained... This committee is composed of 14 students and 13 faculty and administrative staff members, all sitting as voting members... One of its functions is to serve "as an appeal body for those students who desire the privilege of appealing the decisions of any person at the University who is involved in any aspect of the financial aid process..."

4. *The Food Services Committee.* Composed of students, faculty and administrative staff... Meets each Tuesday evening to hear grievances relative to food services and to funnel them to the Director of Food Services who is present. Any student may appear at these meetings to express complaints or grievances.

Presently, there are two new organizations which will seriously affect student life, as it relates to both academic and non-academic aspects. These are:

a. *A University Grievance Committee* designed especially to find a resolution to grievances listed by students in the past, to serve as a panel for receiving current grievances and to serve as a planning body for recommending preventive measures.

b. *The Academic Appeals Committee*, which deals especially with admission problems and other academic problems as a result of student appeals.

5. *Residence Hall and Non-Resident Councils* of the Association of Women Students (AWS) and Men's Federation provide vehicles by which one can make complaints and grievances on any and all campus life matters at any time. These are referred by Executive Student Officers to either of the Student Personnel deans who follow up with

students, the President and Administrative Council for resolution. Changes in citizenship standards and general student welfare affairs have been made through such student and staff initiation efforts.

6. *An Open Door Policy* exists in all administrative offices from 8:00 a.m. to 5:00 p.m., including the lunch hour. This policy, which was adopted in the Fall Semester (September) 1968, gives opportunity for students, faculty and staff to personally present complaints or grievances, suggestions, or ideas, etc., directly to administrative officers, and student governmental bodies.

.....

7. *The University Senate.* Teachers have always had official or statutory representation in the major policy-making body on the campus, the University Senate. Prior to 1972, students were represented only through their membership on Senate Committees. A committee is currently working on the reorganization of the University Senate in order to provide statutory representation to all definable elements on the University campus.

Recently a faculty senate was organized to give the faculty a rather special voice in University's affairs.

The interaction of students, faculty and administrators in various social, religious, and cultural events tends to subtly shape and exercise a persistent influence on the operation of the University.

It may indeed be that these various mechanisms, if fully used in good faith by all parties, could provide sufficient opportunity for both students and faculty members to communicate and seek redress of their grievances. And it may be that the majority of Southern University students have no substantive complaints concerning University operation (pp. 43-44). However, the grievances presented by Students United leaders in October 1972 were neither frivolous nor hysterical. Few people quarreled with their legitimacy. Testimony indicated that they expressed long-unresolved concerns. Their development was obviously the result of widespread student involvement. The student demonstrations and class boycotts also had impressive student support. In fact, the evidence of the student movement itself—and the protests of earlier years—suggest persuasively that the president's "open door" policy and all the various stated channels of grievance resolution have either remained theoretical or have been unsuccessfully applied.

In interviewing Southern University students on campus, NEA panel members found a surprising lack of familiarity with the various committees and councils cited by the University Senate.

Even one upperclassperson whose responsibility it was to lead freshman orientation seminars on all aspects of student life did not appear to be aware of some of the committees. Students who did have some knowledge of these bodies expressed scant regard for their effectiveness.

The student handbook, *The Jaguar Paw* (commonly referred to as the *Paw*), contains a catalog of student organizations, including the Student Government Association; the Association of Women Students; the Men's Federation; Greek letter fraternities and sororities; various service, religious, and military organizations; and departmental clubs. But neither the *Paw* nor the AWS Handbook mentions the Council on Student Life, or provides any specific directions for student use of the various channels available for communicating and seeking redress of grievances, except those relating to disciplinary action. (Each of these publications, however, contains many pages of parietal rules—including special regulations for women students—and suggestions on dress, grooming, and proper social behavior. A member of the NEA panel commented, "As a product of a southern black college, I found that many of the same regulations and features which governed my school in 1959 prevail in 1973 at Southern University. More specifically, an authoritarian paternalistic attitude among administrators and a powerless, apathetic role among far too many students and teachers have impeded the hearing and effective resolution of grievances.")

Student representatives to most of the committees charged with hearing grievances are appointed by the Southern University president on nomination of the president of the Student Government Association—a method of selection which in itself may be a key element in the committees' disfavor with student activists. Officers of the SGA, on this as on many other campuses, are widely regarded by the student population as an elitist group, more concerned with social events than with social conscience. The Student Senate, the elective SGA governing body, is composed of the Association's president and vice-president, representatives from each college, and the presidents of the Association of Women Students and the Men's Federation. Although the only eligibility requirement for candidacy for the Student Senate is a minimum grade average, the Students United leaders expressed the opinion that the University administration has persuasive power to influence the candidacy and election of these officers. One of the suspended students

had been SGA vice-president; he and other student activist leaders stated that the administration usually found some way to oust any officer who tried effectively to represent grassroots campus concerns and to deal with substantive issues of student life. The panel inquired why the student body did not work to elect SGA representatives who would actively represent their interests. The reply was that even though a candidate might run on a strong student advocacy platform, election to the Senate, and to class presidencies as well, often led to co-optation. One student commented:

"Let's say, for instance, a freshman decides that he wants to be freshman class president because he feels that there are problems in the freshman class. All right, he lives in the dormitory with the poor people and they have raps and stuff like that about bad food, so he talks to his class and the way he talks to his class they decide to elect him for freshman president. However, what happens then—the University makes him part of them. In other words, he does not necessarily have to live like freshmen live. He can go to different events free. And, therefore, the reason why he ran for freshman president now is not valid because he no longer has common problems with the freshmen He becomes complacent because he is getting a lot of benefits that the freshmen are not getting. Now, if he decides not to take those benefits and talk for his class, I don't know how they do it, but he is not freshman class president any longer. The laws at Southern University are written so ambiguously that at any time they can find reasons why you shouldn't be anything. They can use academic reasons—or a whole lot of things they can stop you with."

Such mistrust, whether justifiable or not, appeared to be pervasive and directed against the entire University establishment. Students interviewed by the panel—including those who may have sympathized with, but did not participate in, the demonstrations—clearly regarded the elected student leaders, not as student advocates, but as administration loyalists. Consequently, they saw little chance that their interests would be represented by students nominated by the SGA president and appointed by the University president to such bodies as University grievance committees.

The NEA panel cannot discount the effort that appears to have been made by the Southern University president and his administrative staff to establish systems for opening up communications with the students and for remedying their grievances. But these efforts cannot be applauded for their effectiveness. Attempts to inform students of the specific functions and authority of the committees appointed to serve their needs appear to have met

with dismal failure. Almost without exception, the students who testified seemed to be either unaware or entirely distrustful of the channels and processes available for redress of grievances. They reported that students had little or no effective communication with administrative personnel on matters of *substantive* academic and governance concern before, during, or after the student demonstrations of 1972. It seems clear that even if the student and faculty members on the various grievance-handling committees sincerely desire to serve student needs, they have little chance of succeeding in this task until they have the faith and the informed attention of the students they seek to serve. But it should also be clear that this involves student, as well as administrative and faculty, responsibility. The University's failure to communicate with students seems to be one major part of the problem at Southern University. Another significant part would appear to be the failure of many students to listen, to be concerned, and to commit themselves on a sustained and unified basis to seeking the changes that they have said they want.

Expulsions and dismissals. Under declared "emergency conditions," pursuant to Louisiana state law, any higher education institution in the state may immediately expel or dismiss any student, member of the faculty, administrative official, or other employee who:

"(1) organizes and/or participates in and/or holds himself out to be a part of any demonstration, protest or riot (2) enters into any building or structure of such institution alone or as a member of a group when the effect of such entry into or presence within the building or structure is willfully to interfere with or disrupt the normal educational process or administration at such institution (5) in any way willfully and directly aids, abets or encourages any of the foregoing acts"

University and state officials made use of this law (Act 59, adopted in 1969 to amend Title 17 of Louisiana Revised Statutes of 1950) with the result that nine students were suspended and two faculty members were dismissed from Southern University for having allegedly led or encouraged the student demonstrations of 1972. At the time of the writing of this report, six of these students are permanently barred by court injunction from returning to Southern University. Under the provisions of the law that enabled the University to bar them so expeditiously from the cam-

pus, these six students and the two professors shall be ineligible "to be enrolled or employed in any capacity in any state-owned and operated institution of higher learning in (Louisiana) for a period of one year from the date of the expulsion or dismissal."

Because their cases are still in litigation, the NEA panel will not comment on the probable guilt or innocence of the involved students and faculty members. But it is impossible to ignore the ironies implicit in this aftermath of the Southern University tragedy. For the person or persons responsible for the slaying of the two students on November 16, the wheels of justice are indeed grinding slowly; as at Jackson State and Kent State in 1970, it is conceivable that those wheels will grind to a final halt without ever bringing an indictment or conviction. But for the alleged wrongdoing of these students and faculty members, punishment was swift. The students were deprived of their right to an education and the professors were deprived of their livelihood without any prior investigation to determine their guilt or innocence and with no apparent regard for their constitutional rights to due process of law.

When asked why the administration felt it necessary to seek a court injunction to bar the suspended student leaders from the Southern University campus, President Netterville stated that this was done to enable the majority of students to attend classes without harassment. In support of his statement, a faculty member reported that students attending her classes during the demonstrations would arrive in class expressing relief that they had "made it through." Some students, testimony indicated, would conceal their books while on the way to class so that they would not be harassed or detained by boycotters. A student, present during the panel's meeting with Dr. Netterville and his staff members, asked rhetorically, "When four guys pull you bodily out of class, what are you going to do?" In this and subsequent meetings with administrators, the panel's attention was called to even more extreme acts of disruption: the setting off of explosives and, on the day of the student deaths, the burning of the Registration Building to the point of almost total destruction.

Students United leaders, meeting with the NEA panel, denied that they had led or participated in such acts of destruction or that they had harassed other students or pulled them out of class.

It is, of course, the responsibility of criminal investigative bodies, and not of this panel, to determine the extent of criminal-

ly disruptive behavior on the part of the student leaders. It is, however, a common characteristic of protest or liberation movements, as they develop vigor and promise of achievement, that they attract many kinds of support and involvement—from proponents of violent revolution, as well as advocates of peaceful change. There is no reason to assume that the Southern University student protest movement was free of violent elements. But neither is there justification for the assumption, without a fair investigation of the facts, that the suspended student leaders were those who committed or condoned acts of violent disruption, or that the dismissed professors counseled violence. Nevertheless, such an assumption was implicit in the summary expulsion and dismissal of these individuals.

When contemplating how to deal with student demonstrations, state and university officials in Louisiana (and in other parts of the country, as well) should carefully consider the effects of the punitive actions taken by Southern University—either on its own initiative or under pressure of state agencies—prior to and immediately following the tragic incident of November 16, 1972.

By filing the complaints under which four students were arrested in the predawn hours of November 16, by subsequently suspending these and other Students United leaders and dismissing the two professors, the University may have succeeded in isolating the top student leadership of the 1972 protest movement, in discouraging other faculty members from counseling with student activists, and in stifling further student dissent. But it appears that the accomplishment of these short-range objectives produced a tragically short-range victory.

All evidence points to the conclusion that the untimely and extraordinary arrests robbed the demonstrations of much of their effective student leadership, discipline, and control; precipitated the spontaneous entry of students into the administration building; and were the immediate cause of the confrontation that ended in death on the morning of November 16.

The panel's own impressions, and the testimony of students and informed adult observers, indicated that the suspended and jailed students and the dismissed faculty members were among the best and brightest members of the Southern University community. Other students, including some who were not directly involved in the demonstrations, expressed admiration for the intellect, the capability, and the sincerity of their suspended classmates. Stu-

dents also testified to the extraordinary ability of the two dismissed faculty members in relating to student needs and interests. Furthermore, the summary dismissal of one of the professors, Dr. Joseph A. Johnson, chairman of the Physics Department, was protested in a strongly worded letter, dated November 21, 1972, by other members of the Physics Department faculty. This letter included the following statements:

"The quality of the students produced by the department has been improved enormously because of participation in research programs both at Southern and at various laboratories around the country. Since Dr. Johnson was made chairman of our department, our students have participated in research at ten of the most prestigious national laboratories and/or industrial research centers

"The chairman has done an excellent job in the recruitment of faculty members. Before his arrival, only one out of nine faculty members participated actively in any kind of research, and there were no grants to assist the research. Now, ten out of twelve faculty members participate in research. Furthermore, over \$347,000 has been given as grants to support the research performed during Dr. Johnson's chairmanship.

"Presently, the Department is in the process of establishing a graduate program in Physics, and is in such a position only because of the direction of its leader.

"In order to meet the varied needs of our students, we have made vast improvements in our curriculum

"... our students' research project was one of the very few in the country chosen to receive a Bendix Grant for student research.

"... The innovative policies and programs have continued even through the crisis. Contrary to the accusations made in your letter to Professor Johnson, he personally instructed all physics faculty members to devise ways and means to continue giving valid learning experiences to all students. Furthermore, several members of our faculty can attest to the fact that his classes have been taught, assignments given and collected on a regular basis, and the laboratory experiments continued."

The NEA panel concludes that the student expulsions and faculty dismissals violated the most basic principles of academic due process.

Disciplinary procedures: due process.

"The academic freedom of black students must be expanded to insure the legitimate exercise of student rights. The surest guarantee to safeguard these rights and simultaneously protect academic order is the

acceptance of due process in the resolution of all disciplinary questions. Threats, invasion of privacy, improper disclosures and adjudication without the opportunity to answer charges or to appeal first decisions are a mockery of administrative proceedings and an unlawful denial of student rights."⁹

The Southern University student handbook, the *Jaguar Paw*, explains the responsibilities of student citizenship, lists the citizenship violations that are subject to disciplinary action with possible suspension or expulsion, defines the penalties, and outlines the organizational structure of the University's judicial process.

In ascending order of authority, the three groups that deal with student discipline are:

1. *Residence Hall and Non-Resident Council Judiciary Committees*—Elective student governing bodies charged with "coordinat[ing] the structur[ing] of guidelines, disseminat[ing] these to students, and handl[ing] minor infractions of any of these guidelines which are subject to disciplinary action."
2. *The Judiciary Boards of the Association of Women Students and Men's Federation*—Bodies established to hear special cases referred to them by the dean of women and dean of men respectively, and to recommend disciplinary action (short of expulsion) to the appropriate personnel dean for final decision, or referral to the next highest judiciary level.
3. *The University Discipline Committee*—Body composed of five students (recommended by president of the Student Government Association and appointed by the University president) and six faculty and administrative members. Hears cases involving major infractions that may result in student warning, probation, suspension, or expulsion. The Committee's recommendation, based on membership vote, is referred to the University president for final decision.

Aside from its mention of a very limited right of appeal, the Student Handbook is silent on the rights of students when charged with citizenship violations. The NEA panel found that this silence quite accurately reflects the status of student rights in the Southern University judicial process.

The *Jaguar Paw* states that any student who is dissatisfied with a disciplinary decision has the right to appeal that decision to the next highest judicial level, provided the student "is able to inject new evidence which could possibly effect a new decision." Such a limitation, of course, entirely negates the student's right of appeal if he or she simply believes the decision was erroneous—based on prejudice or misinterpretation of the facts.

The NEA panel met with student leaders who had been actively involved in the Students United movement and who, although they had not been expelled themselves, had had experience with the University's disciplinary procedures. Quoted below are excerpts from their testimony in response to the questioning of NEA panelists.

Student A: . . . Probation means—citizenship probation means that you are being watched and your actions will be curtailed.

Q: How does that come about?

Student B: . . . They have a disciplinary committee and the disciplinary committee is made up of the same committee that is on the Continuing Education Committee*. . . . The disciplinary committee will write you a letter that you will appear before this committee. You cannot bring anybody to speak for you, you cannot bring a lawyer, you cannot bring another student, you cannot bring a tape recorder.

Q: How are you notified?

Student B: They will send you a letter through the campus mail first.

Q: What does the notice say?

Student B: It just states that you are asked to appear before this disciplinary committee.

*The students were referring to the Continued Education Committee, an ad hoc committee formed to determine students' continuing eligibility for enrollment when the University reopened on January 4, 1973, after having closed down on November 16. During the period of University closure, this committee circulated to the parents of all enrolled students a "Continued Enrollment Agreement." Both parents and students were requested to sign the agreement, thus signifying their joint pledge that if permitted to continue enrollment at Southern, the students would support and abide by the goals of academic attainment, fiscal responsibility, and good citizenship; support and abide by University rules and regulations; agree to attend classes and refrain from encouraging others not to attend; and agree not to engage in acts of violence or destruction of property and to refrain from encouraging others to engage in such acts.

Students were instructed that these signed agreements must be returned to the University before they could gain readmittance. There was no evidence, however, that any student was denied re-entry to the campus for failing to follow these instructions. University administrators stated that the forms were sent out because it was felt that many students and parents were not aware of the University's citizenship rules and regulations. Students, however, were harshly critical of the action. They expressed the conviction that the circulation of the agreements was a repressive measure used by the University to intimidate an already fearful and oppressed student body.

Q: Do they give a reason?

Student B: No, they will not give you the reason. If you ask any person on the disciplinary committee—like if you know someone on the committee, you might say, “Do you know the reason why I am supposed to appear next week at 2 o'clock?” And they will not give you the reason.

Q: So you have no reason why—you have no prior knowledge of why you are being asked to appear before the disciplinary committee?

Student B: Right.

Q: You have no right of counsel or to take witnesses or assistance of a friend or a faculty member?

Student B: You cannot do that.

Q: You go in cold turkey?

Student B: Right. They can put you off campus. Then you have a method of appeal that they used to have. Evidently that method of appeal is not valid now because everybody has got put off campus and has not appealed.

NEA panelists met with a faculty member serving on the disciplinary committee. He verified the students' testimony that a student is not allowed the right of legal counsel when appearing before the committee, although he stated that a student would be allowed to bring a witness to testify on his or her behalf. Regarding the letter requesting a student's appearance before the committee, he stated that he did not think the letter stated the specific nature of the charge, but that he was not sure of this. (In most instances, he said, the student would already be aware of the charge.) The student's accuser—usually a dormitory matron, a counselor, or a member of campus security—would not be present at the time of the hearing. Any appeal of a disciplinary decision at this level would have to be made to the University president and, if the student were still dissatisfied, to the State Board of Education.

Thus, it appears that students who are called to appear before the University disciplinary committee have all the cards stacked against them:

- They do not receive advance notice of the specific nature of the charge.
- They do not have the right to be represented by legal counsel, to face their accusers, or to cross-examine witnesses.
- They do not have a right of appeal unless they are "able to inject new evidence which could possibly effect a new decision."
- The final appeal (short of court action) is to the all-white State Board of Education.

In short, no right of due process is provided in the student disciplinary procedures of Southern University. Caught between the unfairness of this internal judicial process and the unconscionable threat of Act 59, the students who lead protest movements are indeed risking their educational futures.

Faculty termination procedures.

"The University can only fulfill its mission when its faculty has the freedom to pursue truth without fear of pressure from within or without the institution. It is the policy of Southern University to defend this 'freedom' by resisting all efforts, from whatever source, to encroach upon or restrict it."

—Academic Policy Statement of
Southern University

Southern University faculty members who have successfully served a probationary period of 5 consecutive years are granted tenure. The tenure policy provides that if the president of the University recommends the termination of a tenured teacher, that teacher shall have the right of a pretermination public hearing before the State Board of Education or a committee authorized by the State Board to act for it in receiving evidence. After such a hearing, the State Board "shall determine by passage of a proper resolution whether the teacher shall continue in service or he shall be dismissed."¹⁰

The University's *Faculty Handbook* contains the following rules regarding notice of contract nonrenewal to faculty members:

"Notice of non-reappointment, or of intention not to recommend reappointment to the State Board of Education shall be given in writing as follows:

1. Not later than March 1 of the first academic year of service, if the appointment expires at the end of the year; or if the appointment terminates during an academic year, at least three months in advance of its termination.
2. Not later than December 15 of the second academic year of service, if the appointment expires at the end of the year; or, if an initial two year appointment terminates during an academic year, at least six months in advance of its termination.
3. At least twelve months before the expiration of an appointment after two or more years of service.”*

The portions of the faculty handbook provided the NEA panel by the University administration contain no statement of the rights of nontenured faculty members to pretermination due process in the event of contract nonrenewal or dismissal.

Recent Supreme Court decisions have indicated that even a nontenured teacher has a constitutional right to the procedural safeguard of a fair *pretermination* hearing in the event of dismissal during the period of his or her contract. These decisions, however, relate so closely to the cases of the two dismissed professors, Johnson and Baker, now under judicial review, that it would be inappropriate to cite the pertinent rulings in this report. Suffice it to say that in the view of the NEA panel, the teacher termination provisions governing Southern University—particularly those that apply to nontenured personnel—leave the faculty member utterly defenseless against arbitrary dismissals. In the case of a teacher dismissal, unless the requirements of procedural due process are fulfilled—in the form of a fair hearing—prior to the effective date of termination, any substantive constitutional protections that the teacher enjoys will be lost. Once a dismissal or nonrenewal action is complete, the burden falls upon the teacher-plaintiff in any post-termination appeals procedure to prove his or her fitness to be reinstated. By this time, the teacher is out of a job and without income, and understandably may be reluctant to submit to the stress, the delays, and the expense of a lengthy appeals procedure.

It is the conclusion of the NEA panel, therefore, that a nontenured Southern University faculty member has little more power to defend against an unjust termination than a Southern Universi-

*These notice provisions were countermanded by the declaration of “emergency conditions” and the invocation of the provisions of Act 59, under which Professors Johnson and Baker were fired.

ty student has to defend against an unjust suspension or expulsion. This statement should not be interpreted as a charge that the current Southern University administration is commonly given to unjust, arbitrary, or capricious actions. The panel is aware that the dismissals and expulsions of November 1972 were effected under grave crisis conditions. There is also the clear possibility that in taking these harsh actions, the president of Southern University was reacting to pressure from higher state authorities. The serious continuing problem is that under the profound weaknesses of current University policy regarding student discipline and faculty termination, the University president appears to have no procedural safeguards against such pressures from above if they are imposed—nor is there any effective recourse for students and faculty members against unfair actions that may be taken against them by this or any future administration.

2. What system is provided to enable both students and teachers to have an effective voice in the policy decisions that shape University life?

Student governance proposals. In a paper containing recommendations relating to the grievances of Students United, a special committee of the State Board of Education cited 11 standing university-wide committees that have been established at Southern to deal with varied institutional concerns. These committees, several of which were listed on pp. 24-25 of this report, have a combined membership of 93 students and 76 faculty members. In addition, a committee on registration and five ad hoc committees concerned primarily with social events have a total of 61 students and 76 faculty members. In its response to the NEA inquiry, the University Senate named a number of channels—curriculum revision committees at the departmental levels; symposiums, workshops, and special seminars; student and teacher participation in research projects and writing of course materials—through which both students and faculty can influence the conditions of teaching and learning on the campus.

The message conveyed by the leaders of Students United, however, was that they wanted far more than a vague and unofficial influence on University affairs; that, in fact, they wanted nothing less than to be recognized as full partners in governance of the

institution. To this end, they proposed a department and executive council system, with a two-to-one student-faculty ratio at both the departmental and University levels. It would be the responsibility of the department councils to coordinate the activities of the departments, including the hiring and firing of the chairman and all faculty members. The executive council, composed of the president, his executive staff, and students (elected from each college) would function as a board of directors for the University, their authority "to be superseded only by the [Louisiana] State Board of Education."

The University, with the approval of the State Board of Education, countered with a compromise offer, which provided for department councils with advisory status and for an enlargement of the University Senate to include representation for students and also nonacademic employees. The State Board authorization of the department councils did not define the specific areas of the councils' authority, but it did clearly limit that authority:

"The departmental councils shall be advisory in nature and shall participate in departmental matters, other than appointments, tenure, and salaries of faculty and expenditure of funds for supplies and materials."

These limitations struck at the very heart of the students' proposal: they sought clear-cut voting authority, not advisory status. They sought decisive influence on faculty selection and fund allocation; but by State Board regulation, they were excluded from these areas entirely.

Although unacceptable to Students United leaders, the modified department council system, with a one-to-one student-faculty ratio, was established during the months immediately following the reopening of Southern University on January 4, 1973.

Students interviewed by the NEA panel during its initial hearings in March 1973 expressed scant regard for the system's effectiveness. One student commented:

"We were given three days to organize a departmental council and to hold an election—three days to do that—and I think that was a sham Everything was thrown together in such a rush. There were no guidelines at all presented to the students, so we didn't know essentially how the department council was to function."

What this student—and others who supported or led the protest movement—failed to mention was that the initial proposal for the

councils, as presented by Students United, had itself imposed an unreasonable time limit for implementation. After outlining the responsibilities of the administration and department chairmen for holding organizing meetings, formulating guidelines, calling special student elections, and developing procedures for applicant filing and for the selection of faculty representatives to the councils, the Students United proposal declared, "These councils are to be in effect within two weeks of this date (date of presentation to the administration)."

The department councils were not set up within two weeks. They had, in fact, been in operation for approximately two months when the subcommittee of the NEA panel revisited the campus in May 1973. An academic dean commented to the subcommittee, "Yes, we established the councils in a hurry. In this atmosphere of crisis, we have had to do everything in a hurry."

The NEA subcommittee met with a representative sampling of the department councils. The subcommittee was informed that the students had been elected to these councils at open meetings of the majors in each department—meetings that had attracted only a meagre student attendance. Both students and faculty members reported that the general student body had so far shown very little interest in the workings of the councils. One council had set up a suggestion box, but few suggestions had been submitted. Their testimony indicated that the council members themselves were not altogether clear about what they were supposed to accomplish. One faculty council member stated:

"I have not seen any specifications for the councils. I had a meeting with our dean. He defined our duties only in a negative way—telling us what we could not do. The real problem is lack of definition of our function and authority."

Other council members, both students and teachers, stated that an even more basic problem was not that the councils' authority had not been defined, but that it did not exist. Although the State Board authorization specifically excluded personnel matters from the areas of concern to be dealt with by these groups, an administrator told the NEA panel how a department council in his college had actually interviewed and evaluated applicants for a faculty position. "One such interview," he stated, "lasted about two hours. When the session was over, each member of the council provided a written statement of evaluation to the department

head. The department head then made recommendations to the dean."

None of the councils interviewed by NEA panelists had engaged in this kind of activity. One council, in fact, appeared not to have engaged in any kind of productive activity at all. A faculty representative to this council testified, "We deal with regular routine matters We meet at least once a month. Most of our meetings are routine. We just meet the requirements of the meeting."

A student member of another council expressed a more hopeful note: "The department council is better than we had before. We feel more a part of the department than we did before." Another student said, "My reason for being on the council is to inform the students and to speak up for what we need in our department."

There was general agreement that the department council system had not been in existence long enough for anyone to forecast its success or failure. Several students expressed the opinion, however, that if the councils were able to attain some immediate, highly visible objectives—such as a student lounge, a reading room, office space for student officers—such achievements might stimulate broader student interest and support. But always there were financial problems, space problems, and the frequently mentioned problem of persuading the academic deans that these were worthwhile requests. "All we can do is recommend," said one student, "and if the dean says no, there's nothing more we can do."

NEA panelists were impressed by the openness and ease of communication that seemed to exist between student and faculty representatives to most of the councils interviewed. At the same time, the panelists saw little evidence among the students of the fervor and commitment to University reform that had so obviously sustained the student protest movement and had characterized some of the leaders of that movement when they met with the NEA panel during its open hearings in March. It was as if, with the death of the two students and the subsequent expulsion of the student leaders, the spirit of the protest movement also had died. What was left, according to one of the dismissed professors in his testimony to the panel, was "a community of students, faculty, and administrators with conquered spirits."

The NEA panel does not accept the finality of this diagnosis. The panel believes, moreover, that the department councils could be vehicles for revitalization and reform, depending on the leadership initiative and energies, not only of Southern University administrators and faculty, but of the students themselves.

There is, however, little hope for these councils if they content themselves with rueful acceptance of their advisory status and concern themselves, in their present rather desultory fashion, solely with routine affairs of departmental operation. There is little hope for the councils unless they develop specific tasks, objectives, and goals—and time limits for specific, measurable achievements. If the top administrative staff is disinterested in establishing guidelines and functional specifications for the councils, this does not mean that the guidelines and specifications cannot be developed by the councils themselves and coordinated by a group containing elected representatives from each council, at least on a college-wide basis. If the administration fails to define for the councils the particular issues with which they should be concerned, this does not mean that such definitions cannot be formulated by the councils themselves and, once again, given uniformity and coherence by elected representative college coordinating councils.

Undeniably, it will be the University administration and the State Board of Education who will determine the ultimate success of the department councils, or any other such instrument of student and faculty involvement. Unless the administration is willing to share its power and permit students, as well as teachers, to have decisive influence on University programming and operations (and unless the State Board concurs), the councils cannot fully function. Without such sharing of power, without administrative cooperation in a more open and democratic system of governance, the relationship between students, faculty, and administrators will not be likely to improve.

Student role in faculty selection and evaluation.

"The exercise of responsible decision-making power by students in the college community is a legitimate right and not a negotiable issue haltingly agreed to as an arbitrary concession, or an alternative to threatened campus disruption."¹¹

It can be argued with some merit that students do not have the professional judgment or specialized subject area knowledge to make the final decision on the employment of teaching and administrative personnel. On the other hand, the faculty and administrators of any university can benefit immeasurably from students' ideas regarding criteria for and selection of such personnel. Hence, there is no reason why all segments of the university community should not participate fully in the development of employment criteria; why students, through elected representatives,

should not participate fully, along with faculty members, in interviewing candidates for faculty positions; or why they should not vote on the recommendations concerning the various candidates to be submitted to the appropriate authority. Finally, there can be no valid reason why students should not be meaningfully involved in the establishment of criteria by which their teachers are evaluated, or why they should not participate in the actual evaluations within the framework of carefully and cooperatively developed guidelines.

NEA panelists were informed that Southern University has initiated a system for student evaluation of faculty. Several faculty members, however, expressed concern that the system might degenerate into a popularity contest, based on the teachers' "niceness" and willingness to "go easy" on the students in grades and academic requirements. Careful development of the evaluation instrument and guidelines for its use and interpretation would, of course, be essential in order to ensure against such subversion of the system.

There is every reason, in the panel's view, why students should have effective voice in all of these personnel areas. University students are not children and should not be treated as such. Surely it is time for both faculty members and administrators to recognize that students—at least those who seek to be involved in the shaping of their academic life—have valid perceptions of their own educational needs and have extraordinary sensitivity to the talents of understanding, communication, and enthusiasm that are so essential to effective teaching.

These, then, are some of the kinds of concerns that should be confronted by the department councils. If the students passively rest on the assumption that the councils are a "sham," if they simply accept defeat of the goals of Students United, then they themselves are betraying those goals; and they, no less than a benignly paternal administration and an all-white State Board of Education, are surely paving the way for a renewal of campus violence. The issues of the recent conflict may have been submerged; they may remain underground for several years. But these issues are still alive; bloodshed, expulsions, and dismissals did not resolve them. Until some resolution is reached, the threat of violence and tragedy will not disappear from the Southern University campus.

The silent majority.

"There is an overwhelming majority of students at Southern who are not heard, who do not seek student office, who will not appear before your committee, who do not want to transform the University, who are not apathetic, but who simply want to go to class and learn."

—A Southern University administrator

"I was present before, during, and after the incident of November 16. The student demonstrators were not representing a majority of student opinion. They were a minority trying to control the majority."

—A Southern University student

The NEA panel would not quarrel with these assessments. Southern University would be unique among universities if it did not contain a silent and socially inactive majority whose members do not want to lead or to initiate, but who simply want to live their own lives—perhaps useful and productive lives—content to be led by others whose egos and consciences impel them to leadership.

The NEA panel would not argue with the claim that the activist young people who led and vigorously supported the Students United movement were a minority on the University campus. Vast social change, reform, and revolution have never been initiated by majorities; they have always sprung from the efforts of aggressive and abrasive minorities. Throughout the history of this country, the majority of the population has been either hostile or indifferent to the demands of the racial minorities. Yet there was a Civil Rights Movement that prospered for a time and moved the nation in the direction of racial justice. Reports to the contrary notwithstanding, that movement may not be dead; it may have simply entered another phase, spearheaded by students on such campuses as that of Southern University.

The NEA panel admits, then, the reasonableness of the assumption that the majority of Southern University students do not have any desire to participate in governance, are not actively concerned about a black-oriented curriculum, but simply want to go to class, get a grade, get a degree, and, just as one administrator said, "join mainstream America." In the panel's view, however, it cannot be so easily assumed that these same students are not in silent support of the goals of their activist classmates. It may indeed be that

not all of these expressed goals are wise and reasonable; but it would be a serious and perhaps tragic mistake to discount the legitimacy of the issues raised by the Students United simply because the activist members of this movement are only a minority of the student body.

3. *What changes, if any, are needed in the system of University governance and administration to provide an educational experience that is at once rigorous in its academic requirements and relevant to the lives and aspirations of Southern University students?*

Black studies.

"Our objective is that we want representation and voice in the decision-making process, particularly in the areas of policy-making, curriculum, budgeting, and staffing; we want the institution to direct its resources toward meeting the needs of African people throughout the world; overall, we are demanding that Southern University must direct its program toward the development of Black consciousness."

—Policy Statement of Students United,
Southern University

"...The trend toward blackness in the black colleges is awakened by those same black students in the South and the North who, building on their heritage of protest, are making life so painful for certain administrators. The contributions of these black colleges to black studies will be different from that of the white colleges if they are authentic. They will be better if allowed to develop organically and utilize the considerable talent among the faculty, student body, and black community in the South. But this will happen only if the administrators of these colleges are wise enough to listen to their most radical students, and at the same time fortunate enough, or perhaps wise enough, to garner the considerable financial resources they need from the conservative boards of trustees, legislatures, and foundations, and the federal government. It is no easy task. The agony is apparent. The promise is no less inherent, though it is perhaps like the shore dimly seen."¹²

An unresolved debate at Southern University—as on other predominantly black campuses—centers on several questions. What should be the primary role of the black university? Should it be, as the Students United leaders have declared, to direct its program toward the development of black consciousness, toward retrieval of the surrendered identity of black nationhood, and toward serving the needs of the black community? Or should it be, as some Southern University administrators and faculty members suggest-

ed, to provide the educational tools that will facilitate the upward mobility of blacks and disadvantaged people; to develop a program that contains both the necessary remedial elements and the specific technical and scholarly disciplines that will enable its graduates to compete in "mainstream" America? And finally—is there an unbridgeable gap between these two points of view?

The NEA panel did not examine and, therefore, will not attempt to evaluate the educational program at Southern University. Nor would the panel presume to delineate the characteristics of a "dynamic black university" (although there is little doubt that this concern was at the very center of the protest movement). The panel can, however, evaluate the testimony and impressions it received concerning the effectiveness of the current black studies curriculum at Southern. And by drawing on the insights of black educators who have knowledge and profound sensitivity in this field, the panel can perhaps give reinforcement to the students' legitimate demands for a relevant black studies program. The 1971-73 catalog states that a student majoring in English, history, political science, or sociology may elect up to 24 semester hours from a total of 27 courses designated "black studies," which have been incorporated into the disciplines of economics, English, geography, history, political science, psychology, sociology, and music.

The NEA panel did not determine the extent to which a black perspective is integrated into the total curriculum or even into the social and political sciences, English, the fine arts, psychology, philosophy, and education. Students testified, however, that in many classes, the instruction they receive relies heavily on traditional, white-oriented textbooks, replete with hortatory references to white achievement, white heroes, white values, and white traditions. A study of the University catalog and the testimony of administrators, faculty members, and students gives little evidence that Southern University has moved decisively to fulfill the needs of a comprehensive black studies program as articulated by such scholars as Darwin T. Turner, director of Afro-American Studies, University of Iowa.

"There is need for courses in the history of art, literature, and music of Africans and Afro-Americans, for history of education courses which include a study of predominantly Negro segregated public schools and colleges, for linguistic courses which analyze the so-called Negro dialects. There is a need to initiate sociological studies of the problems of

people in minority groups. There is a need for business courses describing methods of organizing cooperative community businesses and for more courses concentrated on practices in small business. Current curricula frequently include the philosophical ideas of Descartes, Berkeley, Rousseau, Voltaire, Locke, Paine, and Kant. These should be retained, but room should be made for the philosophical ideas of Thoreau, King, and Malcolm X. Psychology courses should direct attention to the psychological effects of the black experience in America.

"The list is endless . . . students at one institution have proposed seventy-two courses. Such courses are desirable and are academically sound despite the absence of those consoling crutches called textbooks. These courses can be established and must be established. The irony is that they may be established first, and condescendingly, at predominantly white institutions."¹³

Beyond the specific disciplines that belong in a comprehensive program of black studies, the concept of a black educational perspective is given eloquent expression by another black scholar, Dr. Andrew Billingsley, assistant chancellor for academic affairs at the University of California at Berkeley:

"Black studies . . . is the radical assertion of black peoplehood. It is the notion, considered arrogant fiction by some of our best friends of the white liberal persuasion, that we black people are an important people in our own right with an important anchor in history, and with a historical stream of culture and humanity which stretches far back into the early history of the modern world beginning in Africa and reaching far into the future of every major aspect of contemporary world civilization. We are, the new demands insist, a complex, varied, long-suffering, resilient, proud, angry, beautiful people. And we intend to tell this to our children, ourselves, and the world. Furthermore, we intend to use this cultural heritage to push our way into the modern world in order to reform it and perhaps even redeem it. And we intend to use all the means at our disposal to do that—including the mechanisms of higher education."¹⁴

The NEA panel does not suggest, nor do these scholars imply, that black studies should take the place of other, more traditional forms of knowledge. The emphasis on a black educational perspective should not obscure the need for the training of black students, in ever-increasing numbers, in the sciences and technical fields or their need to master the theory, methods, and statistical techniques of any scholarly discipline they study.

Some witnesses, meeting with the panel, expressed the opinion that students who demand a black educational perspective are, in reality, seeking a retreat into a softer, segregated, fun-and-games

academic world; but the NEA panel received the clear impression, from the testimony of the Students United leaders, that this was not their objective; rather, that they wanted the kind of rigorous training that would help them to develop and apply the skills of critical, analytic intelligence to all areas of their educational experience.

Dr. Netterville informed NEA panelists of some of the steps the University has taken since the tragedy of November 16 to respond to the students' demands for black studies. He stated that one of the professors had obtained a \$1,000 foundation grant to set up a series of discussions with students on the subject. "We want to find out," he said, "what the students mean by black consciousness." The NEA panel applauds this move, yet finds it appalling that, by this time, the faculty and administrators of Southern have not grasped the message that their activist students have so urgently attempted to convey.

Another step the University is taking is to develop a human relations program that would provide training in interpersonal skills, problem-solving, and communication to teams of students, faculty members, and administrators. Such a program, if successful, could greatly facilitate the communications and mutual understandings that are now so obviously needed within the Southern University community concerning black studies and institutional governance.

The NEA panel is convinced, however, that the success of any of these newly established communications channels will depend largely on the ability and willingness of the administrators and faculty to listen to all of the students—including, as Billingsley urges, the most radical students. If the students elected or selected to participate in the departmental councils and the discussion and training programs are only the yea-sayers and conformists, there is really little purpose in the establishment of these councils and programs. The well-satisfied students are already heard; their support or acceptance of the status quo has helped to preserve it. They will not be the ones to challenge tradition or to question authority. But such challenges and questions will be the vital, moving elements of the positive growth and change of Southern University—if this institution is ever to keep pace with and fulfill the needs and aspirations, whether expressed or unexpressed, of its students.

The presidency. A central demand, and perhaps the most counterproductive of all the demands, of the 1972 student protest movement was for the resignation of the Southern University president, who was eligible for retirement. The State Board refused to retire President Netterville during 1972-73, and his contract has since been extended for another academic year. However, the State Board of Education has established a procedure for selection of a new president that will involve Southern University students, as well as members of the faculty and administrative staff. The presidential selection process, as approved by the State Board of Education, will involve two stages—the development of criteria or qualifications for prospective candidates to be considered for appointment as chief executive officer; and the actual selection of candidates for the position. Two separate committees—a Qualifications Committee and a Search Committee—each containing representatives of the faculty, administration, students, and alumni of Southern University's three campuses, will be appointed by the State Board to carry out these tasks.

The development of this apparently democratic process of presidential selection is in sharp contrast to the Board's unilateral action in appointing President Netterville in 1968. In making this appointment, the members of the State Board of Education may have felt that they were ensuring a safe, law-and-order presidency, capable of containing the tides of student unrest that had swept Southern University's campuses during the 1960's. A retrospective view suggests, however, that in selecting an individual who was then approaching retirement age and whose background had trained him in a paternalistic style of administration, the State Board actually exacerbated the tensions already simmering on the University's campuses. Mistrust and misunderstanding are not inevitable characteristics of the relationship between youth and age. However, what should have been apparent in 1968 is undeniable now: the post of University president should be awarded to a comparatively youthful, vigorous person—an activist scholar, not only sensitive to the legitimacy of student demands for institutional reform, but committed to achieving these reforms.

It is apparent, too, that these qualities alone will not be enough to ensure an effective presidency of Southern University. Equally essential will be the ability to understand and deal with the political realities of a predominantly black university operating within the constraints of white political and economic domination. Be-

yond these considerations, this is a particularly hazardous period for a reform-minded president at any black institution. As higher education has moved to desegregate in recent years, the role of the predominantly black colleges and universities has increasingly been called into question. There are many who see that the very survival of the black higher education institution is threatened by a complexity of factors: the decline of federal funding; the merger of increasing numbers of black and white colleges and universities (which many black educators and students regard, not as integration, but as disintegration of the black institution); and the demands of those who agree with such white scholars as Christopher Jencks and David Riesman that the "traditional Negro colleges" constitute an "educational disaster land" and should be phased out. The fear of dismantlement is particularly acute in Louisiana, where a suit by the NAACP seeks merger of Southern with Louisiana State University. In fact, during the 1972 student boycott at Southern, the then chairman of the State Board of Education threatened that if the students did not return to class the state might see fit to close down the University permanently.

Such threats as these underscore the need for a strong and dynamic president of Southern University. Further, once that president has been appointed by a democratic process involving both students and teachers, he or she must be free to restructure a strong administrative staff—one that is capable of communicating with and effectively involving students, faculty, and the surrounding black community in the decisions that influence the quality of University life and have profound impact on the life of the community.

The State Board of Education.

"The growing democratization of higher education and the serious demands of both students and citizens to allow them to make input into the policy governing higher education make it necessary to change the governing bodies of Southern University in a manner to reflect more accurately the clientele involved."

—Response of the Southern University Senate
to the NEA Investigation

As noted, the composition of the body that now governs Southern University reflects not at all the clientele involved at this university or at Grambling College, the only other predominantly

black higher education institution within its jurisdiction. A committee of the constitutional convention now in progress in Louisiana has been considering plans for revising the structure of educational governance in the state. The proposal now before the constitutional convention would establish four educational governing boards: a board of regents with coordinating authority over all public education in the state; a board of elementary-secondary education; a board of trustees for state colleges and universities, whose jurisdiction would include Southern University and Grambling College; and a board of supervisors with jurisdiction over Louisiana State University alone (and apparently retaining the favored status of this institution). All of these boards, according to the proposal, would be appointed by the governor with the consent of the Senate. The present plan includes no provision to ensure minority representation on any of these boards.

In light of the historic and persisting political climate in Louisiana, the absence of any guarantee of minority representation—particularly on the projected board of regents, board of elementary-secondary education, and board of trustees for state colleges and universities—is a serious omission. There is reason to believe that the present governor of Louisiana would appoint black representatives to the boards; but there is no hard assurance, in the absence of constitutional or statutory mandate, that he or any future governors of the state will accord more than token representation to minority groups.

If the interests and needs of black students at any educational level are to be served, it is of vital importance that the educational governing bodies be reconstituted to ensure that black citizens are represented on all educational governing bodies in proportion to their numbers within the state.

The panel is not so naive as to suggest that the presence of one-third black representation on the state's governing bodies for higher education, or in the legislature, would ensure fully adequate funding for Southern University or that it would guarantee a just and liberating system of University governance. The financial problems of this institution are not solely the result of inequitable allocation of funds; there is also the problem of the scarcity of financial resources for all public purposes. And there can be no guarantee that black board members or legislators will be wiser or more politically adept than their white counterparts. However, with a fair share of representation, Louisiana's black citizens and

their educational institutions will no longer be a constituency without an official voice in the councils of state and educational governance. There is every reason to believe that black representatives on the higher education governing authorities would bring a measure of understanding and sensitivity to the unique problems and values of the state's predominantly black campuses that cannot be provided by even the most well-meaning white members.

The fundamental importance of gaining such representation is well recognized by Southern University's students, as well as by its faculty members and administrators. The NEA panel suggests that perhaps the most productive form of activism that all members of the University community could engage in at this time would be political activism—through voter registration efforts, identifying and campaigning for black candidates to state office, and enlisting the support of the alumni in the effort to persuade the constitutional convention and/or the Legislature to provide some guarantee of proportional black representation on the governing boards of both elementary/secondary schools and public higher education in Louisiana.

V. SUMMARY AND RECOMMENDATIONS

So that the reader can perceive the context in which the following recommendations are offered, the NEA panel introduces each recommendation with relevant excerpts from the findings and conclusions.

Governance and Finance

Any informed analysis of the causes of student unrest at Southern University must take into full account the underlying conditions of that unrest: the inadequacy of financial support to the institution; its governance by an all-white, all-male State Board of Education; and its dependence for appropriations upon a state legislature containing 144 members, only 8 of whom are black.

These conditions reflect the tradition and continued reality of institutional racism. They are certainly not unique to Southern University or Louisiana or the South; but they do distinguish the Southern University student protest movement from the protests

of white students at predominantly white universities. When Southern University students complained about their exclusion from the policy determinations that shape University life, they were speaking to administrators who are themselves excluded from full and effective participation in those determinations at the highest levels.

Thus, the conflict that gripped Southern University's Baton Rouge campus during the fall of 1972 pitted student against administrator (and black against black) only in an immediate sense. It was a conflict that played itself out always within the constraints of white control, of white political and economic domination.

In light of these historic and persisting realities, it is of vital importance that the state educational governing bodies be reconstituted to ensure that black citizens are represented in proportion to their numbers within the state. It is no less important that all members of the University community commit themselves to vigorous political activism in order to stimulate black registration and voting and to identify and support black candidates for state office.

Therefore, in the educational best interests of Louisiana's black students at all academic levels, the NEA panel recommends:

- *That the Louisiana constitutional convention or Legislature, or both, enact measures that will guarantee proportionate black representation on each of the state educational governing bodies to be created by the constitutional convention.* The guarantee of such representation could be enacted by constitutional mandate; the method could be established by statute. One such method that might be effective for the higher education governing authority would be through gubernatorial appointment of black Board members from a slate of candidates nominated by the Alumni Associations of Southern University and Grambling College. It is, of course, deplorable that a fair share of black representation could not be assured simply by the democratic process of election or the process of gubernatorial appointment with consent of the senate; however, the state's past performance, in both election and appointment of blacks at the state level, gives little reason to trust its future performance in this respect without a constitutional or statutory mandate.
- *That Southern University students, in cooperation with faculty, administration, and alumni, commit themselves to vigorous and sustained political action in order to—*
 - a. *encourage registration and voting for black candidates to both state and local office*

- b. influence the Louisiana Legislature to finance the state's predominantly black university and college at a level that will provide for the compensatory needs of these institutions and enable them to achieve a position of academic excellence.*
- *That the Louisiana Legislature reorder its priorities for financing higher education and move promptly to ensure an equitable distribution of funds to all of the state's public colleges and universities, giving fairly balanced consideration to the particular budgetary needs of each of these institutions.*

The Presidency

In these times when black students are intensifying their demands for a black presence in higher education, it is apparent that the post of Southern University president should be awarded to a comparatively youthful, vigorous person—an activist scholar, sensitive to the legitimacy of student demands for institutional reform and committed to achievement of reform. It is equally apparent that students, as well as faculty members, should be effectively involved in formulating the criteria for presidential candidacy and in making the final selection among candidates. The NEA panel, therefore, recommends:

- *That the Louisiana State Board of Education promptly implement plans for student and faculty participation in the development of standards and the search for a University president of demonstrated scholarship, political sophistication, and vigorous commitment to serving the legitimate educational and social needs of black university students.*
- *That the new president, once employed, be given the freedom to restructure a strong administrative staff—one that is capable of communicating with and effectively involving students, faculty, and the surrounding black community in the decisions that influence the quality of University life and have profound impact on the life of the community.*

Student Grievance Resolution

The methods used by Students United leaders during the 1972 student demonstrations at Southern University provoked sharp criticism from some of the faculty members and most of the administrators who met with the NEA hearing panel. However, the grievances presented by the Students United in October 1972 were neither frivolous nor hysterical. Few people quarreled with their legitimacy. Testimony indicated that these grievances expressed

long-unresolved student concerns and that their development was the result of widespread student involvement. The student demonstrations and class boycotts also had substantial student support. In fact, the evidence of the student movement itself, and the protests of earlier years, suggest persuasively that although Southern University appears to have a vast proliferation of committees, associations, and councils concerned with the quality of student life, none of these groups—including the recently instituted department councils—has provided an effective forum for the hearing and *equitable resolution* of student grievances.

Almost without exception, the students who testified seemed to be either unaware or entirely distrustful of the channels and processes available for redress of grievances. They reported that the students had little or no effective communication with administrative personnel on matters of *substantive* academic and governance concern before, during, or after the student demonstrations of 1972.

The NEA panel recommends, therefore:

- *That a University-wide task force be established, containing one elected student representative for each faculty/administrative member, to accomplish the following tasks:*
 - a. *To evaluate all current grievance-handling student/faculty/administrative committees and councils, including the department councils, to determine whether each has a specific, realizable purpose and whether there are overlap and confusion of function among the various groups*
 - b. *To develop a proposal that coordinates and precisely defines the function and authority of each grievance-resolving committee or council recommended for retention, that proposal to be submitted to the student body for ratification and to the administration for final approval*
 - c. *Upon approval of the proposal, to assign the Student Handbook Committee (or form a new committee) to revise the handbook to provide a concise delineation of all University channels for grievance resolution, with clear-cut directions concerning how and when the students can make most effective use of these channels.*

The NEA panel further suggests that consideration be given to drawing the membership of such a task force from the department councils, which are already established with elective student representation. However, the department councils themselves should be a central subject of task force scrutiny. As noted in the body of this report, the NEA panel believes these councils are potentially

effective means of student involvement in University affairs, but they cannot fulfill this potential unless their functions and areas of concern are specified substantively and with some degree of conformity, at least on a college-wide—and preferably on a University-wide—basis.

Student Discipline: Due Process

The organizational structure of Southern University's student disciplinary procedure is fully outlined in the student handbook, the *Jaguar Paw*. However, aside from mention of a very limited right of appeal, the student handbook is silent on the *rights* of students when charged with citizenship violations. The NEA panel found that this silence quite accurately reflects the status of student rights in the University's judicial process.

Testimony of both students and faculty members indicated that students who are called to appear before the University Discipline Committee have all the cards stacked against them:

- They do not receive advance notice of the specific nature of the charge.
- They do not have the right to be represented by legal counsel, to face their accusers, or to cross-examine witnesses.
- They do not have a right of appeal unless they are "able to inject new evidence which could possibly effect a new decision." (Such a limitation entirely negates the student's right of appeal if he or she simply believes the decision was erroneous—based on prejudice or misinterpretation of the facts.)

Thus, the individual's constitutional rights of due process—to receive timely notice of specific charges, to prepare a defense and answer those charges, to be represented by legal counsel, and to appeal first decisions—are almost entirely excluded from the judicial process of Southern University.

But, under declared "emergency conditions" as defined by Act 59 of the Louisiana Legislature, even these rudimentary judicial procedures may be set aside; and the University may summarily expel any student (or dismiss any faculty member or other employee) who allegedly organizes or participates in "any demonstration, protest, or riot." It was under the authority of this act that nine students were suspended and two faculty members were dismissed from Southern University for having allegedly led or encouraged the student demonstrations of 1972. Six of these students have been permanently barred by court injunction from

returning to Southern University. Under the provisions of this law (unless their court challenges are successful), these six students and two professors shall be ineligible to be enrolled or employed in any state-owned and -operated institution of higher learning in Louisiana for a period of one year from the date of their expulsion or dismissal.

It is the conclusion of the NEA panel that the lack of due process in the established disciplinary procedures of Southern University, coupled with the punitive, police-state provisions of Act 59, constitutes an unlawful—and an intolerable—breach of individual constitutional rights.

The NEA panel, therefore, recommends:

- *That Act 59 be repealed.*
- *That the University establish a committee or task force, with as many students (elected from each college) as faculty and administrative members, to carry out the following tasks:*
 - a. *Develop rules and procedures that clearly spell out the student's right to due process in any disciplinary matter that may result in warning, probation, suspension, or expulsion*
 - b. *Disseminate these rules and procedures (through special bulletins and the student handbook) to all members of the University community.*
- *That the University consider providing a means whereby accused students may have access to legal counsel or knowledgeable faculty member representation in any disciplinary procedure involving alleged major infractions.* One approach, in actual use at some universities, would be for the Student Government Association to retain legal counsel for this purpose. The legal fees involved might be defrayed by student fees, with assistance perhaps from University subsidy or from the Alumni Association (since some members of this Association have themselves suffered summary suspensions in past years).

Faculty Termination Procedures

It is the conclusion of the NEA panel that the teacher termination provisions governing Southern University—particularly those that apply to nontenured personnel—leave the faculty member entirely defenseless against arbitrary termination. Obviously, the dismissals permitted under the authority of Act 59 give even wider latitude for arbitrary and capricious administrative action. In the case of a teacher termination, unless the procedural requirements of due process are fulfilled prior to the effective date of termination, any substantive constitutional protections that the teacher

enjoys will be lost. Once a dismissal or nonrenewal action is complete, the burden falls upon the teacher-plaintiff in any post-termination appeals procedure to prove his or her fitness to be reinstated. By this time, the teacher is out of a job and without income and understandably may be reluctant to submit to the stress, the delays, and the expense of a lengthy appeals procedure. Moreover, even in the case of a tenured faculty member who, under University rules, does have the right to a pretermination hearing, the NEA panel would question the fairness or neutrality of that hearing if the State Board of Education is the hearing body. The Board of Education may indeed have a more objective view regarding a termination than would the University president who recommended such action; but as the faculty member's ultimate employer, the State Board is not likely to be in an entirely impartial, or neutral, position.

The NEA panel, therefore, recommends:

- *That the University establish a faculty-administrative committee, with faculty members elected by the Faculty Senate, to*
 - a. *formulate a faculty termination procedure that will secure the rights of constitutional due process to all faculty members—tenured and nontenured—including the right to a pretermination hearing by a neutral third party. For purposes of a fair hearing, neutral third party assistance could be provided, as it is to many elementary-secondary school districts in the nation, by the United States Mediation and Conciliation Service or by the American Arbitration Association. Or the appeal body could be a committee appointed by the state education authority if the teacher-appellant had some review rights over the membership of the appeals committee.*
 - b. *Disseminate the faculty termination procedure (through special bulletins and the faculty handbook) to all members of the University community.*

Faculty Evaluation and Selection

It can be argued with some merit that students do not have the professional judgment or specialized subject area knowledge to make the final decision on the employment of teaching and administrative personnel. On the other hand, the faculty and administrators of any university can greatly benefit from students' ideas regarding criteria for and selection of such personnel. Hence, there is no reason why all segments of the University community should not participate fully in the development of employment criteria;

why students, through elected representatives, should not participate fully, along with faculty members, in interviewing candidates for faculty positions; or why they should not vote on the recommendations regarding the various candidates to be submitted to the appropriate authority. Finally, there can be no valid reason why students should not be meaningfully involved in the establishment of criteria by which their teachers are evaluated, or why they should not participate in the actual evaluations within the framework of carefully and cooperatively developed guidelines.

There is every reason, in the panel's view, why students should have effective voice in all of these personnel areas. University students are not children and should not be treated as such. Surely it is time for both faculty members and administrators to recognize that students—at least those who seek to be involved in the shaping of their academic life—have valid perceptions of their own educational needs and have extraordinary sensitivity to the talents of understanding, communication, and enthusiasm that are so essential to effective teaching.

The NEA panel, therefore, recommends:

- *That the University establish student-faculty/administrative committees, with membership drawn perhaps from the already established department councils, to—*
 - a. *Re-examine the current system for student evaluation of faculty and revise the system as necessary to ensure the following: (1) that the criteria for such evaluations are academically and psychologically valid; (2) that there are guidelines for use of the evaluations to protect their confidentiality and safeguard against their punitive application against teachers; and (3) that the evaluation instruments are capable of eliciting precise and meaningful student response.*
 - b. *Develop criteria for candidates to faculty positions and establish procedures whereby students, as well as faculty members, can be involved in initial interviews, with equal vote on preferred candidates to be submitted as recommendations to the appropriate administrators.*
 - c. *Develop criteria for employment of administrators who have extensive student contact, such as deans of men and women, dean of student affairs, and registrar.*
 - d. *Submit all of these recommended procedures and criteria for final approval of the University president and, if legally required, to the state education authority; and upon such approval, communicate them to all members of the University community. If the process of selecting the new University president is, as it promises to be, a democratic process, meaningfully involving students,*

there is every reason to hope that it will result in the selection of a president who would not only approve, but would encourage the development of these proposals and would submit them to the state education authority with his or her endorsement.

Black Studies

An unresolved debate at Southern University—as on other predominantly black campuses—centers on several questions: What should be the primary role of the predominantly black university? Should it be, as the Students United leaders have declared, to direct its program toward the development of black consciousness, toward retrieval of the surrendered identity of black nationhood, and toward serving the needs of the black community? Or should it be, as some Southern University administrators and faculty members suggested, to provide the educational tools that will facilitate the upward mobility of blacks and disadvantaged people, to develop a program that contains both the necessary remedial elements and the specific technical and scholarly disciplines that will enable its graduates to compete in “mainstream” America? And finally—is there an unbridgeable gap between these two points of view?

The NEA panel believes that the gap, if it necessarily exists at all, is far from unbridgeable. An educational program for black students should indeed provide them with the skills and the scholarly abilities to cope with a white-dominated world, since that is the persisting reality of this country. A black studies program should enable them to do so as black people, proud of racial heritage and unwilling to deal with any white person except on the basis of equality.

The NEA panel, therefore, recommends:

- *That the University administration assign top priority (including budgetary priority) to an ongoing program of student-faculty/administration discussion and debate on the development of a comprehensive black studies program, with a final objective of appointing smaller student-faculty/administrative teams to draw up specific program plans for step-by-step implementation.*
- *That the University administration carry on, and expand as funds permit, the recently initiated human relations program in order to provide training in interpersonal skills, problem-solving, and communication to teams of students, faculty members, and administrators.*

* * *

The NEA panel does not suggest that any of its recommendations for revision of current University policy can be accomplished within a few weeks or a few months. The grievances in these areas that were expressed by the Students United dealt with problems that had existed for many years. It would be unreasonable to expect their immediate resolution. A central theme of all of the panel's recommendations is that the changes should be made through a democratic process involving students, faculty members, and administrators. And the democratic process is not swift; nor is its primary virtue efficiency. It involves reasoned discussion and debate, voting, opportunities to challenge and to dissent—but with the final goal that the developed system of governance has the consent and participation of the governed.

It is, therefore, of basic importance that in carrying out any programs of student and faculty involvement the University administration listen to what all student and faculty groups—including the most radical—are saying. If the students and faculty members elected or selected to participate in the shaping of policy decisions are only the yea-sayers and conformists, then there is little purpose in offering opportunities for their involvement. The well-satisfied students and teachers are already heard; their support or acceptance of the *status quo* has helped to preserve it. They will not be the ones to challenge tradition or to question authority. But such challenges and questions will be the vital, moving elements of positive growth and change in Southern University—if this institution is ever to keep pace with and fulfill the needs and aspirations, whether expressed or unexpressed, of its students.

Finally, it is the NEA panel's conviction that when contemplating how to deal with student demonstrations, state and university officials in Louisiana (and in other parts of the country, as well) should carefully consider the effects of the punitive actions taken by Southern University—either on its own initiative or under pressure of state agencies—prior to and immediately following the tragic event of November 16, 1972.

By filing the complaints under which four students were arrested in the predawn hours of November 16, by subsequently suspending these and other Students United leaders and dismissing the two professors, the University may have succeeded in isolating the top student leadership of the 1972 protest movement, in discouraging other faculty members from counseling with student

activists, and in stifling further student dissent. But it appears that the accomplishment of these short-range objectives produced a tragically short-range victory.

All evidence points to the conclusion that the untimely and extraordinary arrests robbed the demonstration of much of its leadership, discipline, and control, precipitated the tragic confrontation that occurred later that day, and culminated in the suspension of academic due process, the University's loss of academic talent and credibility, and the total shutdown of the University for a period of more than six weeks.

FOOTNOTES

¹McWhorter, Abdul. *Student Struggle at Southern University: Background Notes to Political Murder*. (Unpublished.) December 1972. p. 4.

²Thomas, Tim. "The Student Movement at Southern University." *Freedomways* 13:16; Winter 1973.

³McWhorter, *op. cit.*, p. 5.

⁴Turner, Darwin T. "The Afro-American College in Higher Education." *What Black Educators Are Saying*. (Edited by Nathan Wright, Jr.) New York: Hawthorn Books, 1970. p. 95.

⁵Wardlaw, Jack. "Governor Faces Gravest Crisis." *New Orleans States-Item*, November 17, 1972.

⁶Billingsley, Andrew. "The Black Presence in American Higher Education." *What Black Educators Are Saying*. (Edited by Nathan Wright, Jr.) New York: Hawthorn Books, 1970. p. 136.

⁷LeMelle, Tilden J., and LeMelle, Wilbert J. *The Black College, A Strategy for Relevancy*. New York: Praeger, 1969. p. 20.

⁸"Unequal Treatment Criticized, LSU Gets 50.6% of Funds, Educates Only 34.9%." *The Daily Advertiser* (Lafayette, Louisiana). March 8, 1973. p. 1.

⁹LeMelle, Tilden J., and LeMelle, Wilbert J., *op. cit.*, p. 89.

¹⁰*Southern University Faculty Handbook*. n.d. pp.3-13.

¹¹LeMelle and LeMelle, *op. cit.*, p. 88.

¹²Billingsley, Andrew, *op. cit.*, p. 137.

¹³Turner, Darwin, *op. cit.*, pp. 96, 97.

¹⁴Billingsley, Andrew, *op. cit.*, pp. 126-27.